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EXAMINER

STEIN, JULIE E

ART UNIT PAPER NUMBER

2617

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/648,367	Applicant(s) IIDA, TAKAYUKI	
	Examiner Julie E. Stein, Esq.	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

1. The objection to the oath is withdrawn.

Specification

2. The objection to the specification is withdrawn.

Claim Rejections - 35 USC § 112

3. In view of the amendments to the claims and Applicant's arguments, the rejections under 112 are withdrawn.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 6-7, 12-16, 20-21, and 25-28 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,943,909 to Goldstein et al.

Goldstein discloses all the elements of independent claim 1, including a wireless communication apparatus (image pump 120) comprising:

wireless communication means (Figure 2, 210) for carrying out data communication via a wireless communication network (Id.) with an imaging apparatus (digital camera 110) having communication means (the antenna of element 110) for sending image data (column 3, lines 50 to 57) obtained by capturing means (Id.) to the wireless communication network (210 and element 120) ; and

temporary storage means (image pump 120) for temporarily storing said image data sent from the imaging apparatus (camera 110) and for coordinating the difference in communication speed between wired and wireless communications (inherent in view of Figure 3 and the use of both wireless and wired communications),

wherein said wireless communication means (image pump 120) are connected via a wired communication line (Figure 3, 320 or 330) to a printing system (Photography Service Provider 130) for carrying out printing processing on said image data.

The rejection of claim 1 is hereby incorporated, as is the reasoning. Goldstein discloses all the element of independent claim 15, including a wireless communication apparatus (image pump 120) comprising:

wireless communication equipment (Figure 2, 210) which carries out data communication via a wireless communication network (Id.) with an imaging apparatus (digital camera 110) having a communication unit (the antenna of element 110) which sends image data (column 3, lines 50 to 57) obtained by an image capturing unit (Id.) to the wireless communication network (210 and element 120); and

a temporary memory (image pump 120) which temporarily stores said image data sent from the imaging apparatus (camera 110),

wherein the wireless communication equipment (image pump 120) is connected via a wired communication line (Figure 3, 320 or 330) to a printing system (Photograph Service Provider 130) for carrying out printing processing on said image data.

The rejections of independent claims 1 and 15 are hereby incorporated as is the reasoning. Goldstein discloses all the elements of claim 7, including a printing system comprising:

an image server (inherent in view of column 7, lines 45 to 53) connected to at least one wireless communication means of claim 1 via the wired communication line (the Photography Service Provider would have to include an image server), for storing said image data sent from the wireless communication means; and

a mini-laboratory for generating printed matter based on said image data stored in the image server (column 7, lines 45 to 53).

The rejections of independent claims 1, 7 and 15 are hereby incorporated as is the reasoning. Goldstein discloses all the elements of claim 21, including a printing system comprising:

an image server (inherent in view of column 7, lines 45 to 53) connected to a least one wireless communication equipment of claim 15 via the wired communication line (the Photography Service Provider would have to include an image server), for storing said image data sent from the wireless communication equipment; and

a mini-laboratory for generating printed matter based on said image data stored in the image server column 7, lines 45 to 53).

The rejections of claims 1, 7, 15, and 21 are hereby incorporated as is the reasoning. Goldstein discloses all the elements of claim 28, including a printing system, comprising:

an image server means (inherent in view of column 7, lines 45 to 53) connected to at least one wireless communication means of claim 1 via the wired communication line (the Photography Service Provider would have to include an image server), for storing said image data sent from the wireless communication means; and

a means for generating printed matter based on said image data stored in the image server means (column 7, lines 45 to 53).

Goldstein also discloses all the elements of dependent claims 2 and 16, including wherein the printing system comprises:

an image server (inherent in view of column 7, lines 45 to 53) connected to the wireless communication apparatus via the wired communication line (the Photography Service Provider would have to include an image server), for storing said image data sent from the wireless communication apparatus; and

a mini-laboratory (column 7, lines 45 to 53) element for generating printed matter based on said image data stored in the image server.

Goldstein also discloses all the elements of dependent claims 6 and 20, including wherein the imaging apparatus sends order information representing the content of a printing order regarding said image data, together with said image data. See, column 5, lines 28 to 35.

Goldstein also discloses all the elements of dependent claims 12, 25, and 29, including said imaging apparatus including a device for selecting a printing format for said image data prior to output to the wireless communication network. See, column 5, lines 28 to 35.

Goldstein also discloses all the elements of dependent claims 13 and 26, including wherein the wireless communication means connects to the temporary storage means. See, Figure 2.

Goldstein also discloses all the elements of dependent claims 14 and 27, including wherein the temporary storage means are upstream from the wired communication line. See Figure 3.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 5, 8, 11, 17, 19, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,943,909 to Goldstein et al. in view of Official Notice.

Goldstein also discloses all the elements of dependent claims 3, 8, 17, and 22 except wherein the printing system is installed in a DPE store. However, the Examiner takes Official Notice that printing stores are well known in the art, for example Kinkos or Staples. Therefore, one of ordinary skill in the art would have known and understood that the printing system could be installed in a store.

Goldstein also discloses all the elements of dependent claims 5 and 19, except wherein the communication means/equipment of the imaging apparatus is installed in a

Art Unit: 2617

communication chip. However, the Examiner takes Official Notice that it is well known in the art to use microchips of various forms to control communication functions, one example is the proliferation of SIMs. Therefore, it would have been obvious to one of ordinary skill in the art to have known and understood that the imaging apparatus of Goldstein would use a communication chip to control its wireless communication with a wireless network.

Goldstein also discloses all the elements of dependent claims 11 and 24, except wherein the communication network enables communication with the imaging apparatus using a roaming function. However, the Examiner takes Official Notice that roaming in wireless networks and between wireless devices is well known in the art and therefore it would have been obvious to one of ordinary skill in the art to have known and understood that roaming would be enabled.

7. Claims 4, 9, 18, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein in view of Admitted Prior Art.

Goldstein teaches all the elements of dependent claims 4, 9, 18, and 23, except wherein the wired communication line is an ADSL. However, Applicant admits that ADSL wired communication lines are well known. See, page 3, line 4 of the originally filed application. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an ADSL wired communication line as the wired line in Goldstein because they have high speed.

Double Patenting

8. Claims 1-9 and 11-29 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 10-23 of copending Application No. 10/391,597. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both teach an imaging device that sends image data wirelessly, an image server for storing the image data received wirelessly and a mini-laboratory for generating printed matter based on the image data received.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Arguments

9. Applicant's arguments with respect to claims 1-9 and 11-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S Patent Nos. 7,103,357 to Kirani et al., 6,976,084 to Pineau et al., and 6,859,832 to Gecht et al. all teach various methods of sending images through networks to be printed; and U.S. Patent Application Publication No. 2004/0085573 to Aidinejad teaches a printing accessory that connects to a imaging device and a printer.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie E. Stein, Esq. whose telephone number is (571) 272-7897. The examiner can normally be reached on M-F (8:30 am-5:00 pm).

Art Unit: 2617

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JES



GEORGE ENG
SUPERVISORY PATENT EXAMINER